IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1275 (S/S) of 2005

Sri Gopal Krishan,
Son of Sri Dal Chand,
Resident of Sub Jail Roorkee,
District – Haridwar. .....Petitioner.

Versus.

1. Inspector General of Jails, District – Nainital.
2. State of Uttaranchal, through Secretary Karagar, Uttaranchal Shashan, District – Dehradun.
3. District Magistrate, District – Haridwar.

.....Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Sharad Sharma, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

Petitioner has challenged the order dated 01.06.2005 passed by respondent no. 1 i.e. Inspector General of Jails, Uttaranchal, Dehradun by virtue of which petitioner has been put under suspension for various charges.

Learned counsel for the petitioner has submitted that petitioner was put under suspension vide order dated 01.06.2005 but till date neither the inquiry has been conducted nor chargesheet has issued, even the subsistence allowance was not paid to the petitioner as contemplated in Rule 53 of the Financial Hand Book II despite of the fact that he had been submitting an affidavit before the respondents certifying the fact that he is not employed at any other place.

The submission of the petitioner is that in absence of non payment of subsistence allowance entire departmental enquiry should be vitiated as being derogation to the principles of natural justice and in view of this fact, the aforesaid suspension order dated 01.06.2005 may be stayed.

Records show that Superintendent, Sub Jails, Roorkee has been appointed as Inquiry Officer and the Inspector General of Jails has already directed the Inquiry Officer to submit the chargesheet to the Headquarter for approval.

Since the allegations on the basis of which the petitioner has been put under suspension are serious in nature so I do not think proper to interfere with suspension order but in view of the aforesaid facts, it will be just and proper to direct the Authorities to conclude the inquiry within a particular period. Consequently, I direct Inquiry Officer to issue chargesheet to the petitioner within a period of three weeks from the date of production of certified copy of this order before the respondents and petitioner shall submit his reply to the charges levelled against him within fifteen days from the date of receipt of chargesheet. Thereafter, the Inquiry Officer shall conclude the inquiry within a period of two months from the date of receipt of reply from the petitioner.

Petitioner is also directed to produce the certified copy of this order within a week today. Petitioner shall cooperate with inquiry. In any case, the inquiry shall be concludes before 31.12.2005. Respondents are further directed to pay subsistence to allowance to the petitioner forthwith.

With this direction the writ petition is disposed of accordingly. No order as to costs.

(M.M. Ghildiyal, J.)

September 07, 2005
SKSharma